

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TANDEM FLUORESCENT PROTEIN CONSTRUCTS, the specification of which

☐ is attached hereto.

☒ was filed on January 31, 1997 as Application Serial No. 08/792,553 and was amended on \_\_\_\_\_

☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| U.S. SERIAL NO.   | FILING DATE    | STATUS   |
|-------------------|----------------|--|
| <u>08/594,575</u> | <u>1/31/96</u> | <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned |

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Lisa A. Haile, Reg. No. 38,347; William E. Booth, Reg. No. 28,933; Karl Bozicevic, Reg. No. 28,807; Barry E. Bretschneider, Reg. No. 28,055; Paul T. Clark, Reg. No. 30,162; Peter J. Devlin, Reg. No. 31,753; Willis M. Ertman, Reg. No. 18,658; David L. Feigenbaum, Reg. No. 30,378; Janis K. Fraser, Reg. No., 34,819; John W. Freeman, Reg. No. 29,066; Timothy A. French, Reg. No. 30,175; Alan H. Gordon, Reg. No. 26,168; Scott C. Harris, Reg. No. 32,030; Mark J. Hebert, Reg. No., 31,766; Gilbert H. Hennessey, Reg. No. 25,759; Charles Hieken, Reg. No. 18,411; Robert E. Hillman, Reg. No. 22,837; June M. Learn, Reg. No. 31,238; G. Roger Lee, Reg. No. 28,963; Steven E. Lipman, Reg. No. 30,011; Gregory A. Madera, Reg. No. 28,878; Ralph A. Mittelberger, Reg. No. 33,195; Ronald E. Myrick, Reg. No. 26,315; Robert C. Nabinger, Reg. No., 33,431; Frank P. Porcelli, Reg. No. 27,374; Eric L. Prahl, Reg. No. 32,590; Alan D. Rosenthal, Reg. No. 27,833; Richard M. Sharkansky, Reg. No. 25,800; John M. Skenyon, Reg. No. 27,468; Michael O. Sutton, Reg. No. 26,675; Rene D. Tegtmeyer, Reg. No. 33,567; Hans R. Troesch, Reg. No. 36,950; John N. Williams, Reg. No. 18,948; Gary A. Walpert, Reg. No. 26,098; Dorothy P. Whelan, Reg. No., 33,814; and Charles C. Winchester, Reg. No. 21,040.

Address all telephone calls to Lisa A. Haile at telephone number 619/678 -5070.

Address all correspondence to Lisa A. Haile, Fish & Richardson P.C., 4225 Executive Square, Suite 1400, La Jolla, CA 92037.

# COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Roger Y. Tsien

Inventor's Signature: Roger Y. Tsien Date: FEB. 28, 1997

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Full Name of Inventor: Roger Heim

Inventor's Signature: Roger Heim Date: MARCH 3, 1997

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Full Name of Inventor: Andrew Cubitt

Inventor's Signature: Andrew Cubitt Date: 2/28/97

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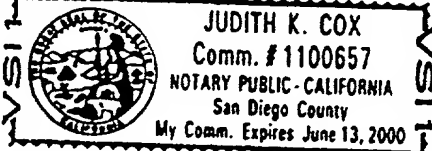
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State of California )

County of San Diego ) SS.

On February 28, 1997, before me, Judith K. Cox, Notary Public, personally appeared Andrew B. Cubitt and Roger Y. Tsien, personally known to me, and on March 3, 1997, before me, Judith K. Cox, Notary Public, personally appeared Roger Heim, proved to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons executed the instrument.



WITNESS my hand and official seal.

Judith K. Cox

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsien et al. Art Unit: Unassigned  
Application No.: Unassigned Examiner: Unassigned  
Filed: January 25, 2002  
Title: TANDEM FLUORESCENT PROTEIN CONSTRUCTS

Commissioner for Patents  
Washington, D.C. 20231

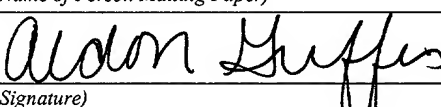
APPOINTMENT OF ASSOCIATE ATTORNEY

Sir:

I am attorney of record in the above-referenced patent application and, pursuant to  
37 C.F.R. 1.34b, I hereby appoint:

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|  |                            |
|--|----------------------------|
| <b>CERTIFICATION UNDER 37 CFR §1.10</b><br>"EXPRESS MAIL" Mailing Label Number: <b>EV 016 236 959 US</b><br>Date of Deposit: <b>January 25, 2002</b>   |                            |
| I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: Box PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231. |                            |
| Aldon Griffis<br>(Name of Person Mailing Paper)  |                            |
| <br>(Signature)  | January 25, 2002<br>(Date) |

In re Application of  
Tsien et al.  
Application No. Unassigned  
Filed: January 25, 2002  
Page 2

PATENT  
Attorney Docket No.: REGEN1260-3

as associate attorney of record to prosecute this application as well as any continuation and  
divisional applications and to transact all business in the Patent and Trademark Office in  
connection therewith.

Respectfully submitted,



Date: January 25, 2002

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